

## Senate Bill No. 1035

### CHAPTER 675

An act to amend Section 2893 of the Public Utilities Code, relating to public utilities.

[Approved by Governor September 20, 1996. Filed  
with Secretary of State September 23, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1035, Peace. Public utilities: telephones.

Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility, including telephone corporations, in the state and to do all things necessary and convenient in the exercise of its power and jurisdiction.

Existing law, with specified exceptions, directs the commission to require any call identification service offered by a telephone corporation, or by any other person or corporation that makes use of the facilities of a telephone corporation, to allow the caller, at no charge, to withhold, on an individual basis, the display of the caller's telephone number from the telephone instrument of the individual receiving the call.

This bill would prohibit a caller from withholding the display of the caller's business telephone number when that number is being used for telemarketing purposes.

The bill would also prohibit a telephone corporation in a noncompetitive market from charging any subscriber for having an unlisted or unpublished telephone number under specified conditions.

Because violations of orders, decisions, rules, or other requirements of the Public Utilities Commission are misdemeanors, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares as follows:

(a) Section 1 of Article I of the California Constitution declares that citizens have an inalienable right to privacy.

(b) In a recent nationwide survey of unlisted telephone numbers, the top 10 cities with the highest percentage of unlisted numbers were all in California.

(c) Forty-two percent of Pacific Bell's residential telephone numbers are unlisted, even though there is a charge to do so. Of the residential telephone numbers that are listed, half omit the corresponding address.

(d) Calling number identification services dilute the value of an unlisted telephone number.

SEC. 2. Section 2893 of the Public Utilities Code is amended to read:

2893. (a) The commission shall, by rule or order, require that every telephone call identification service offered in this state by a telephone corporation, or by any other person or corporation that makes use of the facilities of a telephone corporation, shall allow a caller to withhold display of the caller's telephone number, on an individual basis, from the telephone instrument of the individual receiving the telephone call placed by the caller. However a caller shall not be allowed to withhold the display of the caller's business telephone number when that number is being used for telemarketing purposes.

(b) There shall be no charge to the caller who requests that his or her telephone number be withheld from the recipient of any call placed by the caller.

(c) The commission shall direct every telephone corporation to notify its subscribers that their calls may be identified to a called party either:

(1) Thirty or more days before the telephone corporation commences to participate in the offering of a call identification service.

(2) By March 1, 1990, if the telephone corporation is participating in a call identification service prior to January 1, 1990.

(d) This section does not apply to any of the following:

(1) An identification service which is used within the same limited system, including, but not limited to, a Centrex or private branch exchange (PBX) system, as the recipient telephone.

(2) An identification service which is used on a public agency's emergency telephone line or on the line which receives the primary emergency telephone number (911).

(3) Any identification service provided in connection with legally sanctioned call tracing or tapping procedures.

(4) Any identification service provided in connection with any "800" or "900" access code telephone service until the telephone corporation develops the technical capability to comply with subdivision (a), as determined by the commission.

(e) Until the market for local telephone service is competitive, a telephone corporation shall not charge any subscriber for having an

unlisted or unpublished telephone number. However, nothing in this subdivision shall be interpreted by the commission to reduce the revenues of telephone corporations. Any actions of the commission pursuant to this subdivision shall be implemented on a competitively neutral basis. This charge shall not be eliminated prior to the effective date upon which offsetting rates are implemented by the commission.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

